



**Citizen Police Advisory Review Board**  
**AMENDED MINUTES**

The Citizen Police Advisory Review Board met on Tuesday, March 21, 2006 at 5:42 p.m. at the City Attorney's Office, conference room, 255 W. Alameda, Tucson, Arizona.

**1. Call to Order/Roll Call**

Members Present:

Cindy Schiesel, Chair

Vicki Hart, Vice Chair

Susan Thornton

Jeremy Tor

Tom Clark

Michael Elsner (abstained from voting; training not yet completed)

Members Absent:

Advisory Members Present:

Daniel Knieter

Ronald Peetz

Bruce Cameron

Ex-Officio Non Voting Members Present:

Captain Rozema

Officer Beller

Lieutenant Wilson

Liana, Perez

Others Present:

Beth Tidwell, Recording Secretary, City Clerk's Office

Lieutenant Wilson, Tucson Police Department

Sergeant Bob Jimenez, Tucson Police Department

Officer Jennifer Ledford, Tucson Police Department

Yvette Patterson, Tucson Police Department

Susan Thorpe, Citizen

Don Edwards, Citizen

Pat Birnie, Citizen

Maria Magana, Citizen

## 2. **Approval of Minutes – February 8, 2006**

Motion by Vice Chair Hart, duly seconded, and carried by a voice vote of 5 to 0 to approve the notes of February 21, 2006 .

## 3. **Call to the Audience**

Don Edwards spoke regarding protests outside of the ~~Davis-Monthan Air Force Base recruiting office on Speedway~~. Mr. Edwards stated that he felt the police officer assigned to the protest was worthless. He stated that the opposing protestors would call him names, throw things at his signs, and stood in his face waiting for a confrontation. He said the police officer at the protest did nothing. Chair Schiesel asked Mr, Edwards if they needed a permit to protest. Mr. Edwards said no.

Pat Birnie said she was with the same movement as Mr. Edwards. She stated that during the protest Marines would yell at them and call them names. She stated that this fueled the opposing protestors as if they had the support from the military. She said the opposing side seemed to be trying to get a violent reaction out of the members in her group. She stated that where the police officer was located during the protest, did not ensure a quick reaction to a situation. Ms. Birnie wanted the Citizen Police Advisory Review Board to come up with a creative idea that would allow the two sets of people to discuss their differences.

Chair Schiesel explained that would not happen because it was not something the Citizen Police Advisory Review Board had the power to do. Tom Clark asked where was the police officer located. Ms. Birnie said that the police officer was located on a second floor balcony. Chair Schiesel announced that the board should stop asking questions and discuss later if this should be a topic to be placed on a future agenda.

Susan Thorpe said she was with the same group as Mr. Edwards and Ms. Birnie. She stated that three years ago, when the group started, the Marines would call them names and scream comments at them. Ms. Thorpe stated that she had gone to the head recruiter and after she did, the behavior stopped. Ms. Thorpe stated that she felt as if the Police Department was tormenting her by making her take down her signs, that showed how many Iraqi people were killed from the war. Michael Elsner understood that Ms. Thorpe was a realtor in town and she saw sign code violations everyday and she felt as though the Tucson Police Department selectively enforced the sign laws.

Ms. Thorpe stated that at one protest she was kicked and spat on and that her cell phone was taken away. When she told a policeman, he said, "what do you expect, look at how you are dressed and what you stand for." She stated that she expected her rights to be protected. Susan Thornton asked Ms. Thorpe if she knew how to file a complaint against a police officer. Ms. Thorpe stated that she did.

## 4. **Presentation on Tasers (Captain Terry Rozema)**

Captain Rozema discussed statistics concerning the use of Tasers and the Tucson Police Department. He stated that the statistics indicated that the police officers in Tucson deployed their Tasers a total of fifty one times in 2005. The Taser was actually used thirty seven times, meaning it was shot and hit the target. That left fourteen times the Taser was deployed and not actually used. He stated that out of the thirty seven

times it was used, four of those times were on dogs. He stated that all incidents were deemed justified. Some of the ~~The~~ assailants had weapons and were threatening the officer, themselves or someone else at the scene. The Taser was used to incapacitate the person temporarily and remove weapons. He said the Taser was most frequently used in domestic violence situations, and also with people who were extremely intoxicated on drugs and/ or alcohol. He stated that there were three incidents where the weapon had no impact on the suspect and two times when the Taser did not function. Captain Rozema stated that there were thirty four different officers who deployed the Taser.

Vice Chair Hart asked Captain Rozema to explain what he meant when he stated the Taser did not function. Captain Rozema stated that it was because the Taser did not make actual contact with the body or only one side made contact, or because the clothing the individual was wearing, was so heavy that the Taser could not penetrate to impact the person.

Tom Clark asked if there were any side effects from the Taser. Captain Rozema said no. He stated that very few people even needed medical assistance. He stated that there had been one incident where a person fell and needed stitches in his chin, but that was the extent of the injury.

Tom Clark asked how extensive was the training for police officers using the Taser. Captain Rozema stated that all police officers were trained in how to use the Taser, but the actual officers who wear the Taser go through a more extensive training. Captain Rozema stated that the police officers are taught force continuum: meaning that possibly an officer's presence was enough to diffuse the situation. If not then officers can use things like pressure points or strike tactics. If none of those work, then officers may use an auxiliary weapon such as the stick, pepper spray, Taser or gun. Use depended on each individual situation. Captain Rozema stated that not every officer on the force carries a Taser. He stated that there were roughly fifty in use at this time and that they try to have one Taser per squad.

Captain Rozema mentioned that there was a condition called excited delirium. Officers found some people across the country were not dying from the Taser itself, but the combination of the drug they were on and the adrenaline in their bodies that caused their hearts to stop. Yvette Patterson asked if the policy said Tasers were not to be used on the elderly or children. Captain Rozema said yes. Vice Chair Hart asked if they would be pulling the use of Tasers due to deaths around the nation. Captain Rozema said the Chief was happy at this time with the program. Liana Perez stated that in most cases when the Tasers were being pulled, it was where the officers had not been properly trained. She stated that Tucson was a model and was now being used to make other Police Departments more aware of the importance of policy and training.

Michael Elsner asked how the mentally ill were handled when it came to Taser use. Captain Rozema stated that initially officers are unaware of mental issues until after the Taser has been deployed and the individual has been checked. He stated that once the situation was discovered someone like the Crises Intervention Training Team ~~Team~~ would be called.

Susan Thornton asked if Animal Control was at the scenes where the Taser had been used on the dogs. Captain Rozema stated that he did not know. He stated that the dog

had either been a vicious dog in the past or was attacking an officer or someone at the scene. He stated that no dog had been killed by the Taser.

## **5. Officer of Independent Police Auditor**

### **A. Outreach Report**

Liana Perez stated that she had sent out letters to different groups about the Police Department going out to their organization to give demonstrations and speeches on a variety of topics. There had been a low response. Ms. Perez said that she would keep sending the letters out and see what happened.

### **B. Monthly Contacts**

Ms. Perez stated that she was having a problem with her computer. In the area that allows the public to make a complaint on line, there was a bug. It was affecting the incoming email. Ms. Perez had contacted Information Technology and they were aware of the problem. They were considering taking the form off of the website temporarily. Ms. Perez would keep everyone informed.

Michael Elsner asked if Susan Thorpe had contacted Ms. Perez with her complaint. Ms. Perez said Ms. Thorpe had come to get complaint forms from her, but did not actually go over a certain scenario with her. Vice Chair Hart stated that she had received a specific complaint from Ms. Thorpe. Vice Chair Hart explained to Mr. Elsner that formal complaints go through Internal Affairs, then to Ms. Perez and then to the Citizen Police Advisory Review Board where the Board investigates how the Police Department handled the complaint.

Jeremy Tor asked if in another case, Janet Danfield, had been given the option for mediation. Yvette Patterson stated yes, that she had spoken with Ms. Danfield and she knew her options.

## **6. Tucson Police Department**

### **A. TPD Updates**

Captain Rozema announced that TPD ~~had a unit that~~ was passing out surveys during March. He stated that they were given to anyone who had contact with an officer. It was a brief questionnaire about the service of the Tucson Police Department. He stated that after the surveys had been reviewed, he would bring them for the Citizen Police Advisory Review Board to look at.

Captain Rozema stated there was a new unit being established that was a spin off from the old Crime Prevention Unit. He stated that the Chief of Police did not want McGruff the crime dog, but something updated and stronger. The Police Department had identified places in Tucson with the highest crime rates. The new unit actually walked door to door asking people what they knew and what would they like done. He stated there was a lot of people in the neighborhoods who wanted to talk and had good information. Chair Schiesel asked Captain Rozema what brought this about. Captain Rozema stated that it was in the works for a while, but due to budget restraints it was off to a slow start. He said they drive a Hummer that was confiscated

from a drug dealer to the neighborhoods. The Officer gets out of the vehicle and walks door to door. Captain Rozema stated that the Hummer had become very recognizable. Susan Thornton asked if any one could call and request that the Hummer come to their neighborhood or function. Captain Rozema stated at this time the unit was only being sent to areas based on the statistics.

#### B. Office of Internal Affairs

Lieutenant Wilson stated he was new to the Board. He was there to observe and would be more prepared in the future.

### 7. Random Review of TPD Cases

#### A. Case #05-0665

In case #05-0665 Vice Chair Hart stated that she was upset because she felt that this case had never been thoroughly investigated by Internal Affairs and that the Officer being accused had never been called in to speak to his superiors about the issue. She stated she had spoken to Lieutenant McShea about the case and he stated that the party who was making the allegations against the officer should notify the police every time a call occurs at their home pertaining to the situation. Considering the response from the officer handling the case, Vice Chair Hart stated she could see why the people reporting the harassment from an officer would not call again.

Captain Rozema stated he had investigated the last complaint and the calls allegedly made to the home by the officer. He stated that it could not have been the Officer they were accusing. He stated that the call was made from a Quickmart at Ruthrauff and Interstate Ten and the Officer being accused, was on duty on the Eastside of town responding to a call at that time. There was no way he could have made the call to the home. Vice Chair Hart stated that she still felt like the Officer should be called in and questioned. Captain Rozema disagreed. Bruce Cameron stated they needed to stick to this particular case and this particular case was lacking evidence that proved the Officer had anything to do with harassment. Case #05-0665 was found to be a fair and thorough investigation by a voice vote of 5-0.

#### B. Case #05-0289

Tom Clark stated that he could understand the confusion when Officers who did not speak Spanish show up to a house with a different culture and language barriers. Mr. Clark stated that he did not see the complainant's side in the packet so it was hard for him to make a determination. The Board agreed. Captain Rozema stated that it was because the complainants filled out their form in Spanish and it needed to be translated into English. Captain Rozema stated that he would get a copy of the translated complaint to the Board in May. The Board voted to hold case #05-0289, until May, by a voice vote of 5 to 0.

#### C. Case #05-0348

Tom Clark asked if it was common for Police Officers to help motorists. Captain Rozema stated that there was not really a policy but police officers help stranded motorists every day. Captain Rozema stated that even if it were a Police Officer, who was involved with the individual, it was considered a motorist assistance call. Captain Rozema stated that

the Officer who assisted her fiancée with getting gas was not on a call. Jeremy Tor stated that he felt as if it was not really an issue, except for the way that Sergeant Hand wrote the evaluation. Mr. Tor stated that there did not seem to be an issue of any resources being abused. Mr. Tor stated that Sergeant Hand drew on his interpretation of the case instead of sticking to the facts. Mr. Tor stated that Sergeant Hands discredited the witness and it was not necessary. In case #05-0348 the Board found the investigation to be unfair by a voice vote of 6 to 0. Tom Clark wanted to add that his upset came from the officer using company time for personal buisness.

## **8. Recess**

By consensus, the Board decided to forego a recess.

## **9. Customer Satisfaction Survey**

Since the Customer Satisfaction Survey's were currently out of circulation, Vice Chair Hart stated that she tells people to write a letter and send it to the City Clerks Office and the Citizen Police Advisory Review Board will look at it.

## **10. Comments to Mayor and Council**

Regarding a McWeb comment, Susan Thornton stated that bicycle police were not above the law. Officer Ledford stated that if you were riding a bike, you were not considered a pedestrian and you had to obey motorist laws. Officer Ledford stated that a bike must be walked in a crosswalk.

Michael Elsner asked for clarification on the Mayor and Council form as to who wrote in the action for each case. Officer Ledford stated she did. Mr. Elsner stated that once the complaint was made on the Mayor and Council website nothing seemed to happen. Officer Ledford stated that the Neighborhood Resource Department handles the website and distributes the complaints to the correct department with in the City of Tucson.

Tom Clark stated that he was particularly interested in the situation where an older gentleman was asking the Police Department to help him locate his granddaughter before he died. Officer Ledford stated that she had spoken to the gentleman and he informed her that his granddaughter was twenty-two and on drugs. She informed the man that the Police Department could not help him and that they could not declare the girl a missing person due to the circumstances. Captain Rozema stated that there was a missing person unit that consisted of one person and it was not illegal to be missing. Captain Rozema stated that in most cases which were investigated the person just chose to leave their family. He stated that it was rare that it was an actual abduction. Lieutenant Wilson stated that if the case looked like foul play, then units would go into action, especially if it related to a child who did not have a history of running away.

## **11. Report on Website**

Mr. Tor stated that the website was doing well. Mr. Tor requested a descriptive biography from Michael Elsner to post on the website.

## **12. Discussion on Annual Report**

The Board thanked Vice Chair Hart for writing the report.

**13. Report from the Chair/Announcements**

Chair Schiesel reported that the original training date for the Board to attend, at the Police Academy, had been changed to October 21, 2006.

Chair Schiesel wanted to get a schedule set up for interviewing new Board members. She requested the Board start to consider it.

Chair Schiesel asked Captain Rozema if he could put together something that would tell the Board about protest and demonstrations, and what was expected from the Police Department during demonstrations.

Chair Schiesel asked Captain Rozema if he would get the Board some information on response time to reports of child molestation. Chair Schiesel requested something that shows the protocol for the Police Department in handling reports of child molestation.

Susan Thornton requested to see something that shows how Police Officers were taught courtesy and manners.

**14. Adjournment – 7:47**

MOTION by Vice Chair Hart, duly seconded, and approved by a voice vote of 5 to 0, to adjourn.